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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,036	09/17/2003	Shinichi Handa	DAIN:754	2578

6160 7590 04/04/2005
PARKHURST & WENDEL, L.L.P.
1421 PRINCE STREET
SUITE 210
ALEXANDRIA, VA 22314-2805

EXAMINER

LEURIG, SHARLENE L

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,036

Applicant(s)

HANDA ET AL.

Examiner

Sharlene Leurig

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 011805
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on January 18, 2005 has been entered and acknowledged by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stationary display member having the claimed laminated structure must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antoniadis et al. (5,902,688) in view of Chien (US 2002/0003697 A1) (of record) in view of Butt (5,660,573) and further in view of Carcia et al. (6,720,203) (of record).

Regarding claim 9, Antoniadis discloses a pattern display apparatus comprising an organic electroluminescent device, the OEL being capable of displaying at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a second mark, wherein the OEL device comprises a laminated structure comprising layers ordered in the sequence of a base layer (Figure 2, element 103), a first electrode layer (105), an insulating layer (107), an OEL layer (115) and a second electrode (111). Antoniadis discloses that the insulating layer has a pattern whose shape is completely opposite the shape of the at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a second mark (column 8, lines 42-51).

Antoniadis fails to exemplify the OEL device being located on a stationary display member.

Chien teaches a pattern display apparatus comprising an OEL device located on a stationary display member (Figure 1-E).

Antoniadis fails to exemplify a flexible base layer or the insulating layer being between the EL layer and the second electrode layer.

Butt teaches a base layer for an EL device, the base layer being formed of a flexible material such as polyester or polycarbonate (column 3, lines 33-35). Butt further teaches an insulating layer that blocks generation of light so as to form a specific pattern, wherein the insulating layer may be formed anywhere within the sandwich of layers forming an EL lamp without changing the effect of the insulating layer (column 5, lines 24-28).

Antoniadis further fails to exemplify a flexible sealing layer.

Carcia teaches a flexible organic EL device having a flexible sealing layer (60) provided on top of the OEL device in order to protect the device from degradation resulting from exposure to moisture or air (column 4, lines 45-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the OEL device of Antoniadis to be on a stationary display member in order to provide a stationary display, as taught by Chien, and to further modify it to have a flexible base layer, as taught by Butt, and a flexible sealing layer, as taught by Carcia, in order to provide a flexible display device resistant to shatter or breakage from bending while increasing the protection of the OEL device from water

and air, and to further modify the OEL device to have the insulating layer provided between the EL layer and the second electrode layer, as Butt has taught an insulating layer in such a location to be effective in producing a specific pattern of light emission.

Regarding claim 7, the claim limitation of the stationary display member being used in a point of purchase advertisement is a statement of intended use and does not differentiate the claimed apparatus of the combined references above, which satisfies the claimed structural limitations.

Response to Arguments

5. Applicant's arguments with respect to claims 7 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharlene Leurig whose telephone number is (571) 272-2455. The examiner can normally be reached on Monday through Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sll

A handwritten signature in black ink, appearing to be 'sll' with a stylized flourish.

Karabi Gubaray